

### **TITLE XIII: PUBLIC SAFETY**

#### **Chapter**

- 130. PRIVATE SEWAGE DISPOSAL SYSTEMS**
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## CHAPTER 130: PRIVATE SEWAGE DISPOSAL SYSTEMS

### Section

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disposing of sewage which have been built, or are intended to be built, or are being maintained by any person.

**PUBLIC SEWER.** Any sewer constructed, installed, maintained, operated and owned by a municipality, or other unit in government, or taxing district. A sewer established or maintained for the purpose of carrying surface water run-off and subsoil drainage shall not be considered a public sewer under this definition.

### § 130.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COMBINED SEWER.** A sewer receiving both surface water run-off and sewage.

**CONTIGUOUS.** Any actual contact; touching; or within 300 feet, though not in actual contact. Further, **CONTIGUOUS** is intended to mean and include any and all adjacent lots and building sites regardless of present or future ownership.

**COUNTY HEALTH OFFICER.** The appointed health official and all other employees of the County Health Board designated by said Board to be an authorized representative.

**PERSON.** Any individual, partnership, copartnership, firm, company, corporation, association, trust, estate or his legal representative or agent.

**PRIVATE SEWAGE DISPOSAL SYSTEM.** Individually or collectively those constructions or devices used for the collecting, pumping, treating, or

**RESIDENCE.** Is meant to include any living facility for human habitation whether used for part time or full time purposes and includes without limitation all homes, mobile homes, cottages, permanently established travel trailers, permanent pads or other parking spaces.

**SANITARY SEWER.** A sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

**SEWAGE.** The water-carried waste derived from ordinary living process.

**SEWAGE DISPOSAL SYSTEM.** Any arrangement of devices and structures designated to, or used for, receiving, treating or disposing of sewage.  
(BC Ord. 1985-15, passed 10-28-85)

### § 130.02 SYSTEM REGULATIONS.

(A) Where a public, sanitary or combined sewer is not available, all persons shall comply with the following provisions of this chapter for private sewage disposal systems.

(B) It shall be unlawful for any person to place, deposit or permit to be deposited any human excrement or sewage in a manner which does not

comply with the provisions of this chapter or in any unsanitary manner upon public or private property within the county.

(C) At any business building situated within the county, where there is installed or to be installed a private sewage disposal system which is not connected to a public sewer system, and no public sewer system is contiguous, there shall be established or constructed and maintained a private sewage disposal system which shall comply with the standards of the Indiana State Board of Health as contained in Bulletin S.E. 13 and as amended of the Indiana State Board of Health, which is herewith adopted by reference.

(D) Any privy situated within the county shall be of the sanitary type and shall be constructed and maintained in a clean condition and so that insects and rodents cannot enter the vault. Any privy shall be located so as not to in any way allow contamination to enter into the surface or subsurface water of the county.

(E) (1) All private sewage disposal systems and privies shall be installed, constructed and maintained in an approved manner as described in Bulletin S.E. 11, S.E. 13 and 410 IAC 6-8 of the Indiana State Board of Health or amendments and supplements thereof and hereinafter adopted by said Board, which are herewith adopted by reference as part of this section.

(2) The installation of any other private residential sewage disposal systems not described in Indiana State Board of Health Bulletins may be approved by the Warrick County Health Officer after applicant has filed the requirements and plans and specifications of such device or system in the Health Office of the county.

(F) (1) Should any breakdown occur or defect exist in any private sewage disposal system or privy which would cause said disposal system to fail to meet the requirements of divisions (B), (C), (D), or (E) above, and/or in any way cause improperly treated sewage to escape from the property of the owner of said system, or in any way cause pollution to enter the waters of the county, the tiles or drains in the county or the tiles, the surface water, or

subsurface water of any other private person within this county, the defects will be corrected immediately by the owner or agent of the owner, occupant, or agent of the occupant.

(2) Until such time as said defect is corrected, said system shall not be used for the reception of any further garbage or sewage until such defect is corrected and a certificate of said correction is issued by the County Health Officer.

(3) The County Health Officer upon discovery of any condition as set out above in this section, shall issue an immediate order to the owner and occupant of the land stopping or restricting the use of said sewage disposal system.

(4) Violation of this section shall be violation of this chapter and the violator shall be subject to the penalties described in § 130.99.

(G) Whenever an available public sewer, combined sewer or sanitary sewer approved by the Public Service Commission or the Indiana State Board of Health becomes contiguous and is within 300 feet of the building line of a residential or business property, served by a private sewage disposal system or privy, situated within the county, a direct connection shall be made to said sewer and any septic tanks, seepage pits, outhouses, privy pits and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner.

(H) Whenever a new business building or subdivision is developed in an area where a public or sanitary sewer, or combined sewer is contiguous and available, a connection shall be made to said sewer. (BC Ord. 1985-15, passed 10-28-85) Penalty, see § 130.99

### **§ 130.03 LAND REQUIREMENT.**

(A) Areas which are rated severe for septic tank absorption fields by the U.S. Department of Agriculture Soil Conservation Service must have a minimum of two and one-half acres.

(B) Land areas which have been legally divided and recorded before June 24, 1975, may be less than

two and one-half acres in size, but must have enough suitable land for a septic tank absorption field, which shall be determined by the County Health Officer, with any tests, plans and specifications, the Health Officer may require to be submitted before approval of the application.

(BC Ord. 1985-15, passed 10-28-85) Penalty, see § 130.99

#### **§ 130.04 PERMITS AND INSPECTIONS.**

(A) Before commencement of construction of any building or residence, or before location of a mobile home on a plot of ground where a private sewage disposal system or privy is to be installed, or where any alteration, repair or addition to an existing private sewage disposal system is planned, the owner or agent shall first obtain a written permit signed by the County Health Officer. The application for such permit shall be made on a form provided by the County Board of Health, which application shall be supplemented by any plans, specifications and other information as is deemed necessary by the County Health Officer and a \$50 fee paid to the County Health Department at the time the application is filed.

(B) A private sewage disposal system or privy for which a permit has been issued shall not be used until the installation is completed to the satisfaction of the County Health Officer. He or his agent, shall be allowed to inspect the work during any state of construction; and in any event, the applicant for the permit shall notify the Health Officer when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within two working days of the receipt of notice by the County Health Officer.

(C) A private sewage disposal permit shall be effective for a period of one year (365 days) from the date of issuance. A private sewage disposal system must be installed in compliance with this chapter before the residence which it serves can be occupied.

(D) No person shall install, construct, alter, repair or make any addition to a private sewage disposal system unless a permit from the County Health Officer has been first issued for such work.

(E) All permits issued hereunder shall be posted in a conspicuous place at or near the building where the sewage disposal system is under construction. The notice should be plainly visible from the public thoroughfare serving this building.

(F) Should the County Health Officer, after examination of such application or construction find the same to be in conflict with any terms and provisions of this chapter, he shall, in writing addressed to the applicant, reject such application.

(G) (1) All applications for approval of any new subdivision or any part thereof shall be submitted directly to the County Board of Health for approval of the manner and method of the disposal of domestic and sanitary sewage where provision is not provided for connection to a public sewer or a combined sewer.

(2) If the Board does not approve said application, notice of the disapproval shall be transmitted within ten days after said disapproval to the applicant thereof and the County Area Plan Commission.

(BC Ord. 1985-15, passed 10-28-85; Am. BC Ord. 1991-16, passed 7-22-91) Penalty, see § 130.99

#### **§ 130.05 INSPECTION AND NOTICE OF VIOLATION.**

(A) The County Health Officer or his agent bearing proper credentials and identification shall be permitted to enter upon all properties at any reasonable daylight time for the purposes of inspection, observation, measurement, sampling and testing necessary to carry out the provisions of this chapter.

(B) Any person found to be in violation of any provision of this chapter may be served by the County Board of Health or the duly appointed Health Officer, with a written order stating the nature of the violation and providing a 30-day time limit for satisfactory correction thereof.

(C) After receiving an order in writing from the County Board of Health or the duly appointed Health Officer, the owner, agent of the owner, the occupant

or agent of the occupant of the property shall comply with the provisions of this chapter as set forth in said order and within the time limit included therein. Said order shall be served on the owner or the owner and the occupant or on the agent of the owner but may be served on any person, who, by contact with the owner, has assumed the duty of complying with the provisions of an order.

(D) When called upon by the owners of any private sewage disposal system to test said system the County Department of Health and Animal Control shall charge a fee of \$50 for each dye test and a fee of \$10 for each water test requested. All funds received hereunder shall be deposited in the same manner and through the same accounts as other fees charged under the provisions of this chapter.

(BC Ord. 1985-15, passed 10-28-85; Am. BC Ord. 1989-14, passed 7-24-89; Am. BC Ord. 1991-16, passed 7-22-91)

such conditions as ordered by the County Board of Health or by the duly appointed Health Officer of the County, shall constitute a distinct and separate offense.

(BC Ord. 1985-15, passed 10-28-85)

#### **§ 130.06 RULES AND REGULATIONS.**

The County Health Board may adopt any reasonable rule or regulation in regard to the inspection, certification, enforcement, construction and design of private sewage disposal systems under this chapter which are not in conflict thereof. Any such rule shall be approved by the County Board of Commissioners and duly promulgated as is by law required.

(BC Ord. 1985-15, passed 10-28-85)

#### **§ 130.99 PENALTY.**

Any person found to be violating any provision of this chapter shall, upon conviction, be punished for the first offense by a fine of not more than \$500; and for the second offense or subsequent offense by a fine of not more than \$1,000. Each day after the expiration of the time limit for abating insanitary conditions and completing improvements to abate

## CHAPTER 131: ANIMALS

### Section

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### **GENERAL PROVISIONS**

#### **§ 131.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ADULT.** An animal over six months of age.

**ANIMAL.** Any living, domestic creature, including fowl, mammals and reptiles, except human beings.

**ANIMAL CONTROL OFFICER.** The officer appointed by the County Health Officer to enforce this chapter. The term shall also refer to the above mentioned officer's deputies, assistants and County Sheriff's deputies.

**DOMESTIC ANIMAL.** Any tame animal associated with family life or accustomed to life in or near the habitation of man or such as to contribute to the support of a family.

**KENNEL.** A facility maintained in a single location utilized for breeding, boarding, training or sale of dogs.

**MAJOR KENNEL.** A kennel consisting of 15 or more dogs.

**MINOR KENNEL.** A kennel consisting of less than 15 dogs.

**OWNER.** Any person, partnership or corporation owning, keeping or harboring animals. (BC Ord. 1992-2, passed 2-10-92)

## § 131.02 LICENSE REQUIREMENTS.

(A) All dogs in the county over six months of age shall be licensed.

(B) Applications for dog licenses shall be made at the office of the applicant's Township Tax Assessor's Office and shall state the name and address of the owner of the dog, the dog's breed, name, color, sex, and age, and be accompanied by a certificate of rabies vaccination by a licensed veterinarian within the immediately preceding 12 months.

(C) The dog license issued herein shall be valid for a period starting with the first day of May and ending with the last day of April next succeeding.

(D) Owners of dogs shall license said dog on or before May 1 of each calendar year or within 30 days after obtaining such dog or if moving into the county and owning the dog, within 30 days after moving into the county.

(E) The following are the license fees required by the State of Indiana and readopted herein by the terms of this chapter:

(1) For each neutered dog	\$ 2
(2) For each non-neutered dog	\$ 4
(3) For each dog license in addition to one dog	\$ 6
(4) Major kennel	\$30
(5) Minor kennel	\$20

(F) Upon the issuance of a dog license, a durable license tag shall be issued. Such tag shall be immediately attached on a collar on the dog and be

maintained on said collar on the dog at all times. No person other than the owner of the dog, his agent or the animal control officer, or his agents, may remove such tag.

(G) Failure to license a dog as provided in this chapter shall subject the unlicensed dog to impoundment as provided for in this chapter.

(H) No person shall own or harbor any adult dog in the county that does not at all times wear a collar with the proper dog license attached thereto. (BC Ord. 1992-2, passed 2-10-92)

## CONTROL AND CARE OF ANIMALS

### § 131.15 ANIMALS RUNNING AT LARGE.

(A) No owner or custodian of any dog shall allow said dog to stray beyond his property or premises unless the dog is maintained on a leash or is engaged in lawful hunting accompanied by the owner or custodian.

(B) No owner or custodian of any animal, except for a dog which is hereinabove provided, shall allow said animal to stray beyond his property or premises unless the animal is under the reasonable control of some person.

(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

### § 131.16 VICIOUS AND ANNOYING ANIMALS.

(A) No person shall own, keep, possess or harbor any animal that is vicious. An animal shall be deemed vicious if such animal:

- (1) Bites or attacks any person or animal;
- (2) Engages in fighting with other animals;
- or

(3) Destroys property belonging to any person other than the owner of the animal.

(B) No person shall own, keep, possess or harbor any dog, or other animal, which by loud and frequent, howling, or other noise causes annoyance or disturbance to any person.

(C) Upon determination by the Animal Control Officer that an animal is vicious or annoying, such dog or other animal shall be impounded by the Animal Control Officer. Upon impounding the animal, the Animal Control Officer shall petition a court of competent jurisdiction in the county for an order to destroy the animal. Notice of the application and hearing shall be given to the owner of the animal, if known. Upon finding that the animal is vicious or habitually annoying, the court may order the animal to be subjected to a form of humane euthanasia. In the event that the court finds that the animal is not vicious or annoying, as the case may be, the court shall order the animal returned to the lawful owner. No charge shall be made against the lawful owner of said animal for maintenance of the same during the court proceedings herein provided. Provided however, the Animal Control Officer shall require the animal, if the same is governed by licensure and rabies vaccination laws, to be properly licensed and vaccinated prior to release. In the event that the owner shall fail or refuse to pay such charges for licensure and/or vaccination as herein provided, then the Animal Control Officer shall hold and dispose of said animal under the impoundment provisions of this chapter as hereinafter provided.

(D) It is lawful for a person to kill any domestic animal running at large on his property.  
(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

#### § 131.17 SHELTER REQUIREMENTS.

(A) When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all dogs and cats kept outdoors to protect themselves from the direct rays of the sun.

(B) Dogs and cats kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.

(C) Appropriate shelter for livestock as defined in division (A), shall consist of a windbreak and watershed to protect the animal or animals from weather conditions which would constitute a health hazard to the animals.

(D) All animals shall be kept in a sanitary manner. The owner of any animal shall maintain said animal areas or areas of animal contact so as to prevent odor or the maintenance of said animal in an unsanitary environment. Animal areas shall be kept free from accumulation of excrement, water and mud.  
(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

#### § 131.18 FOOD, MEDICAL CARE, EXERCISE TO BE PROVIDED.

(A) *Food and water.* No owner of an animal shall fail to supply such animal with potable drinking water and adequate food that is nutritional for the age and species in adequate amounts to maintain good health. An emaciated condition of any animal, or an unnatural and excessive craving for food and drink shall be *prima facie* evidence of the failure to properly feed and/or water such animal as is required herein.

(B) *Medical care.* All animals shall be provided with reasonable necessary health care in addition to any required vaccinations.

(C) *Exercise.* No owner of an animal shall fail to supply such animal with adequate exercise. Domestic animals shall have a minimum open exercise area commensurate with their size as follows:

- (1) Dogs under 40 lbs. - 20 square feet;
- (2) Dogs over 40 lbs. - 30 square feet and
- (3) Cats - 12 square feet per animal in enclosure, with no more than five adult animals per enclosure.  
(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

**§ 131.19 RESTRAINT, HITCHING OR TYING.**

(A) Animals must be confined to the owner's real property and not permitted to run loose. While on the owner's real property, and not in the owner's direct personal control, animals must be secured without means of escape by leash or confined to a pen, fenced (either physical or electronic) enclosure, corral, cage, house or other secure enclosure. Provided however, in agriculturally zoned areas, cats may be allowed to run at large on the owners property when not in the owner's direct personal control.

(B) No animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that are tied, hitched, or fastened shall wear a properly fitted collar or harness other than a choker type collar. Provided, however, that this section does not prohibit the use of a choker collar in the training of animals or in the leading of the same.

(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

**§ 131.20 CRUELTY, ABANDONMENT.**

(A) No person shall beat, cruelly treat, neglect, torment, overload, overwork, or otherwise abuse any animal, or cause, instigate, permit or promote combat between animals or fowl.

(B) No person shall abandon or cause to be abandoned any animal anywhere within the county.

(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

**§ 131.21 ANIMALS IN VEHICLES.**

No animal shall be left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.

(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

**§ 131.22 POISONOUS BAIT.**

No person shall set out any kind of poisonous substance or bait with the intent to do any harm to any domestic animal.

(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

**§ 131.23 ANIMALS IN HEAT.**

Every animal in heat shall be confined in a secure building or enclosure so as to prevent conception except during instances of planned breeding.

(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

**§ 131.24 KENNEL ENCLOSURES; INSPECTIONS.**

(A) The primary enclosures for dogs and cats at kennels shall be constructed and maintained so as to provide sufficient space to allow each dog and/or cat to turn about freely and easily, stand, sit and lie in a comfortable normal position. Not more than five adult dogs or cats shall be housed in the same primary enclosure. All primary enclosures shall provide appropriate exercise floor space.

(B) The Animal Control Officer or any Health Department official shall have the right to inspect all kennels, pet shops, grooming shops, riding schools or stables at any time during normal business hours.

(BC Ord. 1992-2, passed 2-10-92)

***IMPOUNDMENT*****§ 131.35 IMPOUNDMENT OF PETS.**

The Animal Control Officer upon reasonable belief that an animal commonly classified as a pet is not being provided with either adequate food, water, exercise, ventilation and/or sanitary shelter, or is

being cruelly treated, shall impound the animal and proceed as is provided in §§ 131.37 through 131.39 of this subchapter.

(BC Ord. 1992-2, passed 2-10-92)

#### **§ 131.36 IMPOUNDMENT OF LIVESTOCK.**

(A) The Animal Control Officer upon reasonable belief that an animal commonly classified as livestock, is not being provided either adequate food, water, exercise, ventilation, and/or shelter, or is being cruelly treated, shall take possession and control of the animal. Title to such animal shall escheat to the county and be sold.

(B) The owner of the livestock impounded hereunder shall have the right to petition a court of general jurisdiction in the county, for a determination as to whether or not probable cause exists as to whether said livestock has not been provided either adequate food, water, exercise, ventilation and/or shelter or is being cruelly treated. If the court determines that probable cause does not exist, the court shall order the livestock returned to its owner without charge to the owner for maintenance of said livestock after impoundment and during court proceedings. If the court determines that probable cause does exist, said livestock shall be sold as hereinafter provided.

(C) The sale shall be subject to the following procedure:

(1) Notice of the sale shall appear in a newspaper of general circulation published within the county 30 days prior to the date of the sale.

(2) Notice of the sale shall be posted at the north door of the Courthouse 30 days prior to the sale.

(3) The sale shall be by public auction and shall be held at the place where the animal or animals are being kept or at such other place as selected by the Animal Control Officer, with said animals being delivered to the place of sale prior thereto.

(4) The proceeds of the sale shall first be applied to the cost of sale; next to the cost incurred in the storing of the animals prior to the sale; and lastly, the balance of the proceeds will be deposited in the County General Fund.

(BC Ord. 1992-2, passed 2-10-92)

#### **§ 131.37 RECORDS; NOTICE OF IMPOUNDMENT.**

(A) Immediately after impounding any dog or cat in violation of the provisions of this chapter, it shall be the duty of the Animal Control Officer to enter upon the records of the pound, in a book to be kept by him for such purposes, the date of impounding, a description of the dog or cat impounded, and a record as to whether or not such dog has been licensed and tagged as required by the licensing procedure in § 131.02.

(B) Public notice of the impounding of all dogs and cats shall be given by posting one copy of such notice at the county dog pound. Any such dog or cat not redeemed by the owner thereof within six days after the posting of such notice by the poundkeeper is subject to adoption.

(C) It shall be the duty of the Animal Control Officer to cause notice to be served by first class mail upon the registered owner of any licensed dog impounded under the provisions of this chapter, such notice to be mailed not more than two days after the impounding of such animal.

(BC Ord. 1992-2, passed 2-10-92)

#### **§ 131.38 REDEMPTION OF ANIMAL.**

The owner of any dog or cat impounded may redeem the same by meeting the following requirements:

(A) Paying the sum of \$10 for each day said dog or cat has been impounded up to the time of making redemption.

(B) Purchasing a license as provided in § 131.02, if one is needed.

(C) Paying to have the dog vaccinated for rabies if vaccination is needed.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2003-15, passed 7-16-03)

### **§ 131.39 ADOPTION OR EUTHANASIA OF UNCLAIMED ANIMALS.**

(A) Any licensed or unlicensed dog not reclaimed by its owner within six days of the posting of impoundment, shall be eligible for either adoption or euthanasia, whichever in the discretion of the Department of Health is necessary to carry out the intent of this chapter.

(B) Adoption of an unclaimed animal from the Department of Health requires:

(1) The adopting party to license the animal as provided in § 131.02 of this chapter;

(2) The adopting party to pay for a rabies vaccination of said animal, if the animal is one requiring rabies vaccination under the laws of the State of Indiana or by this chapter;

(3) By paying a fee of \$10 for any dog six months of age or older or a fee of \$5 for any pup under the age of six months. The Animal Control Officer shall be charged with the responsibility of determining the age of the adopted animal.

(4) In the event the animal to be adopted has not been neutered, neutering shall be completed, prior to the finalization of the adoption. The person seeking adoption shall make arrangements with a licensed veterinarian in the county, to perform the necessary surgery to neuter the animal. A representative of the Department of Health shall deliver the animal to the veterinarian's office for such surgery. The person seeking adoption may pay the appropriate charges of the veterinarian, and pick up the animal from the veterinarian.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2003-15, passed 7-16-03)

### ***RABIES CONTROL***

#### **§ 131.50 RABIES VACCINE REQUIRED.**

(A) No owner or custodian of any dog or cat three months or older shall keep the dog or cat within the county, unless such dog or cat shall have been immunized by a licensed veterinarian with a rabies vaccine of a type approved by the State Board of Health and the County Board of Health. In accordance with state law, one-year and three-year vaccines may be used according to approved label directions.

(B) In no case shall more than the period prescribed on the vaccine label (one year or three years) lapse between each rabies vaccination.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2003-15, passed 7-16-03) Penalty, see § 131.99

#### **§ 131.51 KNOWLEDGE OF RABIES OR ANIMAL BITE TO BE REPORTED TO OFFICIALS.**

(A) Any person who has knowledge or a reasonable belief that an animal is afflicted with rabies shall immediately convey this information to either the Animal Control Officer, the Sheriff's Department or the County Health Officer.

(B) Whenever an animal bites a person, or another animal, the owner of the animal shall immediately notify the Animal Control Officer.

(BC Ord. 1992-2, passed 2-10-92) Penalty, see § 131.99

#### **§ 131.52 BITE REPORTS.**

(A) Following receipt of a bite report, the Animal Control Officer shall determine if the animal involved has been properly inoculated with a rabies vaccine. No person shall interfere with the exercise of this duty.

(B) Upon reporting the bite to the Animal Control Officer, the owner or custodian of the animal

shall surrender the animal to the Animal Control Officer for quarantine.

(C) An owner or custodian of an animal who refuses to surrender the animal to the Animal Control Officer, following a request to do so, violates this chapter.

(D) Upon receipt of a bite report, the Animal Control Officer may enter upon private property, excluding closed buildings, when he has reasonable grounds to believe that a biting animal is located on the property.

(E) Upon taking possession of the biting animal, the Animal Control Officer shall order the animal held in quarantine for a period of ten days. In the absence of evidence of rabies immunization, the animal shall be held in quarantine either at the Animal Control Facility or a licensed veterinary facility. If the Animal Control Officer determines that the animal involved has been properly inoculated with a rabies vaccine, the animal may, at the discretion of the Animal Control Officer, be quarantined in the home of the owner or other responsible person if the owner or custodian of the animal agrees in writing to comply with all of the provisions of the home quarantine guidelines of the Animal Control Officer.

(1) The County Health Officer, or Animal Control Officer, shall appoint a licensed veterinarian who shall examine the animal immediately after it has bitten anyone, and again at the end of the ten days quarantine period. The owner of the biting animal shall be responsible for the costs incurred in examining the animal, and a boarding fee of \$12 per day, which costs shall be paid prior to the release of the animal at the end of the quarantine period. If the animal is quarantined at a veterinary facility of the owner's choice, the owner shall be solely responsible for the costs and care of that animal in that facility.

(2) If at the end of the ten-day period the veterinarian is convinced that the animal is free from rabies, it shall then be released from quarantine contingent upon the following:

(a) Compliance with the requirements set forth in § 131.02, license requirements.

(b) Compliance with the requirements of payment set forth in § 131.38, impoundment.

(c) Compliance with the requirements of inoculation set forth in this section.

(d) Payment of veterinary expenses for examination during quarantine.

(3) If the animal dies during the period of quarantine, its head shall be sent to the State Department of Health for examination. Any costs incurred by the county connected with this examination shall be the responsibility of the owner of the animal and paid upon notice thereof.

(4) No animal, during its period of quarantine, shall be destroyed or otherwise disposed of without the express permission of the County Health Officer.

(BC Ord. 1992-2, passed 2-10-92; Am. BC Ord. 2003-15, passed 7-16-03) Penalty, see § 131.99

## **ADMINISTRATION**

### **§ 131.65 HUMANE SOCIETY.**

(A) Warrick Humane Society, Inc. is hereby designated as the humane society located in the county entitling the Warrick Humane Society, Inc. to receive \$.50 from each dog tax payment collected under I.C. 15-5-9.

(B) All funds disbursed to Warrick Humane Society, Inc., by virtue of this section shall be used by Warrick Humane Society, Inc. to maintain an animal shelter.

(BC Ord. 1990-23, passed 8-27-90)

**§ 131.66 FUNDS DEPOSITED IN COUNTY HEALTH FUND.**

All funds collected by the County Dog Pound shall be deposited in the County Health Fund.

(BC Ord. 1992-2, passed 2-10-92)

***Cross-reference:***

*Funds, see Ch. 37*

**§ 131.67 RULES AND REGULATIONS FOR ANIMAL CONTROL FACILITY.**

(A) The Health Board is authorized to expend annually in the construction, maintenance and supervision of the county animal control facility, and in the payment of salaries and expenses incurred in the administration of this chapter, or so much as may be necessary, from the sums which may hereafter annually be appropriated for such purpose.

(B) The administration of the animal control facility and all employees thereof, and those engaged in its maintenance, shall be under the jurisdiction of the Health Board and the Health Officer, which department and officer are authorized to enforce the rules and regulations adopted by it for the administration thereof, and to adopt such rules and regulations necessary in the discretion of the Health Board for the accomplishment of the intent and purposes of this chapter.

(BC Ord. 1992-2, passed 2-10-92)

**§ 131.68 VIOLATIONS.**

The Animal Control Officer, or the Sanitarian, may issue a written summons to persons believed to be in violation of this chapter setting forth the nature of the offense, and the date and time of the initial court appearance on the uniform citation form to be prepared by the Department of Health. A person so issued a uniform citation may be permitted to appear before the superior court, confess judgment, and pay the filing costs without an appearance before a regular session of the court, if desired.

(BC Ord. 1992-2, passed 2-10-92)

**§ 131.99 PENALTY.**

(A) The penalty for a first offense of violation of this chapter shall be a fine not to exceed \$100.

(B) The penalty for a second and subsequent offense of violation of this chapter shall be a fine not to exceed \$500.

(BC Ord. 1992-2, passed 2-10-92)

## CHAPTER 132: HEALTH AND SAFETY

### Section

- 132.01 Fee for flu shots
- 132.02 Fee for TB testing
- 132.03 Fee for pneumonia inoculation
- 132.04 Fee for vaccine administration
- 132.05 Fee for privately purchased immunizations
- 132.06 Physician, abortion provider, hospital; requirement for admitting privileges
- 132.07 Fee for pregnancy testing

### § 132.01 FEE FOR FLU SHOTS.

(A) There shall be a fee charged and collected for the service of influenza inoculation provided by the County Department of Health and Animal Control as set out in division (B) unless the fee is waived under division (C).

(B) The fee for each flu shot shall be the actual cost of the inoculation plus a \$1 inoculation fee; or

(C) The Department of Health and Animal Control may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependent's, behalf; and

(2) Where such person has demonstrated to the satisfaction of the Department, pursuant to standards adopted by the Department, that the person does not have the ability to pay the fee for the person or a dependent.

(D) The fee imposed by division (B) shall be deposited in the Local Health Maintenance Fund to be used for the purposes for which the fund exists. (BC Ord. 1994-14, passed 6-27-94; Am. BC Ord. 2000-5, passed 2-28-00)

### § 132.02 FEE FOR TB TESTING.

(A) There shall be a fee charged and collected for the service of Mantoux (TB) provided by the County Department of Health and Animal Control as set out in division (B) unless the fee is waived under division (C).

(B) The fee for Mantoux (TB) testing shall be the actual cost of the testing plus a \$1 testing fee.

(C) The Public Health Nurse may give TB certification class to any interested party. The cost of the certification shall be \$15, \$5 of which is required to be paid to the American Lung Association.

(D) The Department of Health and Animal Control may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependent's, behalf; and

(2) Where such person has demonstrated to the satisfaction of the Department, pursuant to standards adopted by the Department, that the person does not have the ability to pay the fee for the person or a dependent.

(E) The fee imposed by division (B) shall be deposited in the Local Health Maintenance Fund to be used for the purposes for which the fund exists. (BC Ord. 1994-15, passed 6-27-94; Am. BC Ord. 1997-14, passed 9-8-97; Am. BC Ord. 2003-04, passed 2-19-03)

### § 132.03 FEE FOR PNEUMONIA INOCULATION.

(A) There shall be a fee charged and collected for the service of pneumonia inoculation provided by

the County Department of Health and Animal Control as set out in division (B) unless the fee is waived under division (C).

(B) The fee for each pneumonia shot shall be the actual cost of the inoculation plus a \$1 inoculation fee; or

(C) The Department of Health and Animal Control may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependents behalf;

(2) Where such person has demonstrated to the satisfaction of the Department, pursuant to standards adopted by the Department, pursuant to standards adopted by the Department, that the person does not have the ability to pay the fee for the person or a dependent.

(D) The fee imposed by division (B) shall be deposited in the local Health Maintenance Fund to be used for the purposes for which the fund exists.  
(BC Ord. 2003-03, passed 2-19-03)

#### **§ 132.04 FEE FOR VACCINE ADMINISTRATION.**

(A) There shall be a fee charged and collected for the service of vaccine administration provided by the County Department of Health and Animal Control (hereinafter Department) as set out in division (B) unless the fee is waived under division (C).

(B) The fee for vaccine administration shall be \$5 per individual vaccinated.

(C) The Department may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependent's behalf; and

(2) Where such person has demonstrated to the satisfaction of the Department, that the person does not have the ability to pay the fee for the person or dependent.

(D) The fee imposed by division (B) shall be deposited in the Health Fund to be used for the purposes for which the fund was created and exists.  
(BC Ord. 2004-15, passed 11-17-04; Am. BC Ord. 2012-28, passed 9-10-12)

#### **§ 132.05 FEE FOR PRIVATELY PURCHASED IMMUNIZATIONS.**

(A) There shall be a fee charged and collected for the service of providing privately purchased immunizations provided by the County Department of Health and Animal Control as set out in division (B) unless the fee is waived under division (C).

(B) The fee for each immunization shall be the actual cost of the immunization plus a \$1 inoculation fee; or

(C) The Department of Health and Animal Control may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependent's, behalf; and

(2) Where such person has demonstrated to the satisfaction of the Department, pursuant to standards adopted by the Department, that the person does not have the ability to pay the fee for the person or a dependent.

(D) The fee imposed by division (B) shall be deposited in the Local Health Maintenance Fund to be used for the purposes for which the fund exists.  
(BC Ord. 2005-12, passed 6-15-05)

**§ 132.06 PHYSICIAN, ABORTION PROVIDER, HOSPITAL; REQUIREMENT FOR ADMITTING PRIVILEGES.**

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PHYSICIAN.** As defined in I.C. 16-18-2-282.

**ABORTION PROVIDER.** A physician which performs abortions.

**HOSPITAL.** As defined in I.C. 16-18-2-179(b).

(B) An abortion provider may not perform an abortion in the county unless the physician has admitting privileges at a hospital located:

(1) In the county; or

(2) In an Indiana county adjacent to this county.

(C) An abortion provider who performs an abortion in the county shall notify the patient of the location of the hospital at which the physician has admitting privileges and where the patient may receive follow-up care by the physician if complications arise.

(D) No hospital within the county shall allow an abortion to be performed within its facility unless the procedure is performed by a physician who has admitting privileges at said hospital or a hospital in an Indiana county adjacent to this county.  
(BC Ord. 2011-04, passed 2-14-11)

(B) The fee for pregnancy testing shall be the actual cost of the testing plus a \$1 testing fee.

(C) The Department may waive the fee imposed herein:

(1) For those persons who have no private or public insurance program available which will pay the fee on their, or their dependent's behalf; and

(2) Where the person has demonstrated to the satisfaction of the Department, pursuant to standards adopted by the Department, that the person does not have the ability to pay the fee for the person or a dependent.

(D) The fee imposed by division (B) above shall be deposited in the Health Fund to be used for the purposes for which the fund was created and exists.  
(BC Ord. 2012-28, passed 9-10-12)

**§ 132.07 FEE FOR PREGNANCY TESTING.**

(A) There shall be a fee charged and collected for the service of pregnancy testing provided by the County Department of Health and Animal Control (hereinafter Department) as set out in division (B) unless the fee is waived under division (C).



## CHAPTER 133: OPEN BURNING

### Section

- 133.01 Definitions
- 133.02 Allowance of open burning by state law
- 133.03 Open burning prohibited
- 133.04 Exceptions
- 133.05 General requirements
- 133.06 Enforcement
  
- 133.99 Penalty

burning, and this chapter supplements, but does not replace, the state statutes and state regulations on open burning.

(BC Ord. 2008-10, passed 12-17-08)

### § 133.03 OPEN BURNING PROHIBITED.

(A) No person may openly burn in the county, except as allowed by this chapter or otherwise allowed by state law or regulation.

(B) After giving all notice required by state law, the Board of Commissioners may act to protect the public safety and welfare by declaring an open burn emergency.

(1) The declaration of open burn emergency may contain an expiration date or be continued until revoked by the Board.

(2) The restrictions imposed by the emergency may be limited to specific portions of the county, or may be limited to particular times of the day.

(3) Subject to Indiana and federal law, no person shall set, start, or attempt to set or start, an open burn within the county during the duration of a declared emergency, unless a permit has first been obtained from a local fire department within the county, and the permit is within the possession of the person or entity attempting to set or start such open burn.

(BC Ord. 2008-10, passed 12-17-08) Penalty, see § 133.99

### § 133.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COUNTY.** All unincorporated areas of Warrick County, Indiana.

**OPEN BURN.** The burning of any materials wherein air contaminants resulting from combustion are emitted directly into the air, without passing through a stack or chimney from an enclosed chamber.

**PERSON.** Any individual, firm, partnership, corporation, association, society or other entity.

**WOOD PRODUCTS.** Material consisting of, or wholly derived from, wood or vegetation.  
(BC Ord. 2008-10, passed 12-17-08)

### § 133.02 ALLOWANCE OF OPEN BURNING BY STATE LAW.

I.C. 13-17-9 and 326 IAC 4-1-3, as amended from time to time, allow various types of open

**§ 133.04 EXCEPTIONS.**

(A) Open burning of wood products, except for leaves, shall be allowed for the following:

- (1) School pep rallies;
- (2) Fires used for cooking purposes;
- (3) Fires used in scouting activities;

(4) Any allowed open burning of wood products as provided for by state law and state regulation; and

(5) Upon permit from a local fire department within the county.

(B) Except as allowed by state law and regulation, open burning of non-wood products shall be allowed pursuant to a permit issued by the Indiana Air Pollution Control Board, the Indiana Department of Environmental Management, and a permit by the Board of Commissioners.  
(BC Ord. 2008-10, passed 12-17-08)

**§ 133.05 GENERAL REQUIREMENTS.**

All allowable open burning shall conform to this section, unless exempted by the Board of Commissioners, state law or federal law:

(A) A person who open burns any material shall extinguish the fire if it creates a nuisance or fire hazard.

(B) Burning may not be conducted during unfavorable meteorological conditions such as high winds, temperature inversions, or air stagnation.

(C) All fires must be attended at all times during burning until completely extinguished.

(D) All asbestos-containing materials must be removed before the burning of a structure.

(E) Asbestos-containing materials may not be burned.

(F) All burning must comply with state and federal laws.  
(BC Ord. 2008-10, passed 12-17-08) Penalty, see § 133.99

**§ 133.06 ENFORCEMENT.**

The county may bring an action for an injunction, as prescribed by state law, to obtain an order restraining or enjoining continuing violations of this chapter.

(BC Ord. 2008-10, passed 12-17-08)

**§ 133.99 PENALTY.**

(A) Any person who violates any provision of this order shall be deemed guilty of a violation and, upon conviction, shall be fined pursuant to the following schedule:

- (1) First offense in a calendar year: \$50;
- (2) Second offense in a calendar year: \$100; and
- (3) Third offense in a calendar year: \$150.

(B) Each day that a violation occurs constitutes a separate offense.  
(BC Ord. 2008-10, passed 12-17-08)

## CHAPTER 134: FOOD ESTABLISHMENTS

### Section

- 134.01 Definitions
- 134.02 Permits and permit fees
- 134.03 Minimum sanitation requirements for food establishments
- 134.04 Inspection of food establishments
- 134.05 Disease control
- 134.06 Approval of plans
  
- 134.99 Penalty

### § 134.01 DEFINITIONS.

(A) The definitions as stated in the Indiana State Board of Health Regulations 410 IAC 7-15.1 (Food Service Sanitation Requirements), 410 IAC 7-16.1 (Retail Food Store Sanitation Requirements), and HFD 21 (Vending of Foods and Beverages) shall be used to enforce the Food Establishment Ordinance. At least two copies of the Indiana State Board of Health Regulations 410 IAC 7-15.1, 410 IAC 7-16.1 and HFD 21, shall be on file in the County Auditor's office.

(B) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **COUNTY.** Those rural and urban areas which are under the jurisdiction of the County Health Officer.

(2) **FOOD ESTABLISHMENTS.** Any establishment serving food, beverages, retail food markets, and vending machines for potentially hazardous food and beverages.

(3) **HEALTH OFFICER.** The Warrick County Health Officer or his duly authorized representative.

(4) **VENDING MACHINE UNIT.** One or more vending machines for potentially hazardous foods and beverages which are located in the same group.  
(BC Ord. 1984-5, passed 2-27-84; Am. BC Ord. 1986-11, passed 11-14-86)

## **§ 134.02 PERMITS AND PERMIT FEES.**

### **(A) *Permits.***

(1) It shall be unlawful for any person to operate a food establishment in the county, who does not possess a valid permit from the Health Officer. Only persons who comply with the applicable requirements of this chapter shall be entitled to receive and retain such permit. The permit shall be for a term of one year beginning on January 1 and expiring December 31 of the same year and shall be renewed annually.

(2) A separate permit shall be required for each food establishment operated or to be operated by any person. A permit issued under this chapter is not transferable from person to person or location to location. A separate permit is required for each vending machine unit.

(3) No permit or renewal thereof shall be denied or revoked on arbitrary or capricious grounds.

(B) *Permit fees.* A fee of \$50 (\$25 after June 30) for each permit shall be required annually for each food establishment operated by any person beginning January 1 and expiring December 31 of the same year. A minimum of \$50 per year (\$25 after June 30) shall be paid for a permit for the first 12 vending machines of potentially hazardous foods operated as a unit by any one person or company. An additional fee of \$2 shall be paid for each such vending machine



over 12 in each vending unit. All permit fees shall be collected by the Health Officer and shall become a part of the County Health Fund.

(C) *Permit fee exception.* No permit fee shall be required for food establishments operated by a charitable or religious organization which serves food only occasionally or by an educational organization. However, such establishments shall comply with the provisions of § 134.03.

(BC Ord. 1984-5, passed 2-27-84; Am. BC Ord. 1986-11, passed 11-14-86; Am. BC Ord. 1991-15, passed 7-22-91)

#### **§ 134.03 MINIMUM SANITATION REQUIREMENTS FOR FOOD ESTABLISHMENTS.**

All food establishments shall comply with the minimum requirements specified by the Indiana State Board of Health as now provided in Regulations 410 IAC 7-15.1, 410 IAC 7-16.1 and HFD 21, or as the same may be hereafter changed or amended. Such regulations promulgated are by reference incorporated therein and made a part hereof, two copies of which are on file in the office of the County Auditor, for public inspection.

(BC Ord. 1984-5, passed 2-27-84; Am. BC Ord. 1986-11, passed 11-14-86)

#### **§ 134.04 INSPECTION OF FOOD ESTABLISHMENTS.**

(A) At least two times yearly the Health Officer shall inspect each food establishment and vending machine unit for which a permit is required under the provisions of this chapter.

(B) Such a permit may be temporarily suspended by the Health Officer upon the violation by the holder of any of the terms of this chapter, or revoked after an opportunity for a hearing by the Health Officer upon serious or repeated violation.

(BC Ord. 1984-5, passed 2-27-84)

#### **§ 134.05 DISEASE CONTROL.**

No person shall be permitted to work in a food establishment who does not meet the health requirements specified by the Indiana State Board of Health as provided in Regulations 410 IAC 7-15.1, 410 IAC 7-16.1 and HFD 21.

(BC Ord. 1984-5, passed 2-27-84; Am. BC Ord. 1986-11, passed 11-14-86)

#### **§ 134.06 APPROVAL OF PLANS.**

All food establishments which are hereafter constructed or altered shall conform with the applicable requirements set forth in § 134.03 of this chapter. Properly prepared plans and specifications shall be submitted to and approved by the Health Officer as may be required before starting any work.

(BC Ord. 1984-5, passed 2-27-84)

#### **§ 134.99 PENALTY.**

Any person who violates any of the provisions of this chapter or who refuses to comply with any lawful orders, rules or regulations of the Health Officer, as provided in this chapter, shall upon conviction be punished for the first offense by a fine of not more than \$100 and for the second or any subsequent offense by a fine of not more than \$500. Each day of operation in violation of the provisions of this chapter shall constitute a distinct and separate offense.

(BC Ord. 1984-5, passed 2-27-84)

## CHAPTER 135: TATTOO PARLORS

### Section

- 135.01 Sanitary operation of tattoo parlors
- 135.02 Definitions
- 135.03 Tattoo operator training responsibilities
- 135.04 Tattoo operator responsibilities
- 135.05 Tattoo operator policies
- 135.06 Tattoo artist minimum training and certification requirements
- 135.07 Patron records
- 135.08 Illness
- 135.09 Handwashing
- 135.10 Personal protective equipment
- 135.11 Tattooing equipment
- 135.12 Needles
- 135.13 Reusable equipment
- 135.14 Dyes or pigments
- 135.15 Work environment
- 135.16 Infectious waste containment
- 135.17 Treatment and transport of infectious waste
- 135.18 Permits
- 135.19 Inspections
- 135.20 Revocation of permit
  
- 135.99 Penalty

### § 135.01 SANITARY OPERATION OF TATTOO PARLORS.

All places, individuals and businesses that offer to affix any type of permanent tattoo to a person shall be regulated by this chapter and shall maintain the premises in which tattoos are performed and equipment used in the tattoo process in a sanitary manner.

(BC Ord. 1998-3, passed 4-27-98)

### § 135.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BLOOD.** Human blood.

**BLOOD BORNE PATHOGENS.** Pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, the following:

- (1) HBC.
- (2) HCV.
- (3) HIV.

**CLEANED.** Removal of all visible dust, soil, or any other foreign material.

**CONTAMINATED.** The presence or reasonably anticipated presence of blood or OPIM on an item or surface.

**DECONTAMINATED.** The use of physical or chemical means to remove, inactivate, or destroy blood borne pathogens on a surface or item which does not require sterilization to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

**DEPARTMENT.** The Warrick County Health Department. The Warrick County Board of Health shall be considered part of the Department except for the purpose of conducting any type of administrative hearing for the appeal of any decision of the Department or Health Officer.

**HBV.** The hepatitis B virus.

**HCV.** The hepatitis C virus.

**HEALTH OFFICER.** The duly appointed Health Officer as set forth in IC 16-20-2-16. The County Health Officer or designee shall be designated as the official in charge of enforcing this chapter. The Health Officer may designate someone in the health department to perform those duties and responsibilities of the Health Officer.

**HIV.** The human immunodeficiency virus.

**INFECTIOUS WASTE.** Waste that epidemiologic evidence indicates is capable of transmitting a dangerous communicable disease. Infectious waste includes, but is not limited to, the following:

(1) Contaminated sharps or contaminated objects that could potentially become contaminated sharps.

(2) Infectious biological cultures, infectious associated biologicals, and infectious agent stock.

(3) Pathological waste.

(4) Blood and blood products in liquid and semiliquid form.

(5) Carcasses, body parts, blood, and body fluids in liquid and semiliquid form, and bedding of laboratory animals.

(6) Other waste that has been intermingled with infectious waste.

**OTHER POTENTIALLY INFECTIOUS MATERIALS or OPIM.**

(1) Human body fluids as follows:

(a) Semen.

(b) Vaginal secretions.

(c) Cerebrospinal fluid.

(d) Synovial fluid.

(e) Pleural fluid.

(f) Pericardial fluid.

(g) Peritoneal fluid.

(h) Amniotic fluid.

(i) Saliva in dental procedures.

(j) Any body fluid that is visibly contaminated with blood.

(k) All body fluids where it is difficult or impossible to differentiate between body fluids.

(2) Any unfixed tissue or organ, other than intact skin, from a human, living or dead.

(3) HIV-containing cell or tissue cultures, and HIV or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

**PARENTERAL.** Piercing the mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts or abrasions.

**PERSONAL PROTECTIVE EQUIPMENT.** Specialized clothing or equipment worn for protection against contact with blood or OPIM.

**SECURE AREA.** An area that is designated and maintained to prevent the entry of unauthorized persons.

**SEMILIQUID BLOOD, BLOOD PRODUCTS.** Blood, blood products that have intermediate fluid properties and are capable of flowing in a manner similar to liquid.

**STERILIZE.** The use of a physical or chemical procedure to destroy all microbial life, including highly resistant bacterial endospores.

**STORE.** The containment of infectious waste in such a manner as not to constitute collection, treatment, transport, or disposal.

**TATTOO.**

(1) Any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or

(2) Any design, letter, scroll, figure or symbol done by scarring; upon or under the skin.

(3) Any piercing of the mucous membranes or the skin through which needles or other items are inserted for temporary or permanent placement upon a person.

**TATTOO ARTIST.** Any person who provides a tattoo to an individual or who performs any type of piercing the mucous membranes or the skin through which needles or other objects are inserted for temporary or permanent placement.

**TATTOO OPERATOR.** A person who controls, operates, conducts, manages, or owns any tattoo parlor.

**TATTOO PARLOR.** Any room or space where tattooing is provided or where the business of tattooing is conducted.

**UNIVERSAL PRECAUTIONS.** An approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, HCV, and other blood borne pathogens.  
(BC Ord. 1998-3, passed 4-27-98)

### **§ 135.03 TATTOO OPERATOR TRAINING RESPONSIBILITIES.**

An individual or entity that is a tattoo operator shall comply with the following training responsibilities:

(A) Ensure that the training described in the Indiana occupational safety and health administration's blood borne pathogens standard (as found in 29 CFR 1910.1030) is provided to all tattoo artists, anyone employed by the tattoo parlor, or  
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anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

(B) Ensure that training on the handling of infectious waste is provided to all tattoo artists, anyone employed by the tattoo parlor, or anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM.

(C) Ensure that a record of training described in division (A) is maintained, as required under the Indiana Occupational Safety and Health Administration's blood borne pathogens standard (as found in 29 CFR 1910.1030) of an individual's participation in the training that is provided. The record shall be made available to the department for inspection upon request.

(D) Ensure that a record of training described in division (B) is maintained.  
(BC Ord. 1998-3, passed 4-27-98)

### **§ 135.04 TATTOO OPERATOR RESPONSIBILITIES.**

(A) The tattoo operator shall ensure that tattoo artists, anyone employed by the tattoo parlor, or anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood are provided personal protective equipment and expendables needed to implement the precautions required by this chapter and the Indiana occupational safety and health administration's blood borne pathogens standard (as found in 29 CFR 1910.1030).

(B) The tattoo operator shall require tattoo artists, anyone employed by the tattoo parlor, or anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood to provide evidence of compliance with the universal precautions education requirements contained in § 135.06.

(C) The tattoo operator shall display a description of compliance with the requirements contained in division D.

(D) The tattoo operator shall display written materials prepared or approved by the department explaining universal precautions and patrons' rights under this chapter. These materials shall include information on how to report violations of universal precautions and shall include information regarding the department's duties to investigate.

(E) The tattoo operator shall insure that no illicit drugs or alcohol are consumed or permitted in the tattoo parlor.

(F) The tattoo operator shall insure that no tattoo shall be affixed to any person that is intoxicated.  
(BC Ord. 1998-3, passed 4-27-98)

#### **§ 135.05 TATTOO OPERATOR POLICIES.**

The tattoo operator shall develop a written policy in compliance with this chapter and the requirements of the Indiana occupational safety and health administration's blood borne pathogen standard (as found in 29 CFR 1910.1030) that:

(A) Required the use of universal precautions when performing tattooing and any activity or duty that includes any reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM;

(B) Includes the safe handling of infectious waste; and

(C) Provides sanctions, including discipline and dismissal, if warranted, for failure to use universal precautions and/or handle infectious waste safely.  
(BC Ord. 1998-3, passed 4-27-98)

#### **§ 135.06 TATTOO ARTIST MINIMUM TRAINING AND CERTIFICATION REQUIREMENTS.**

(A) All tattoo artists, anyone employed by the tattoo parlor, and anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM shall complete the training program that is required under the requirements of the Indiana occupational safety and health administration's blood borne pathogen standard (as found in 29 CFR 1910.1030). The programs under this section shall be as follows:

(1) A blood borne pathogen training session provided by the tattoo operator meeting the requirements under the Indiana Occupational Safety and Health Administration's blood borne pathogens standard (as found in 29 CFR 1910.1030).

(B) All tattoo artists, anyone employed by the tattoo parlor, and anyone acting on behalf of the tattoo parlor who has a reasonably anticipated risk for skin, eye, mucous membrane, or parenteral contact with blood or OPIM must be trained in the tattoo parlor's policies on the handling of infectious waste.  
(BC Ord. 1998-3, passed 4-27-98)

#### **§ 135.07 PATRON RECORDS.**

Records of each patron shall be maintained for two years. The record shall include the following:

(A) Patron's name.

(B) Address.

(C) Age. Age must be verified by two items of identification, one of which must be a valid government issued identification.

(D) Date tattooed.

(E) Design of the tattoo.

(F) Location of the tattoo on the patron's body.

(G) The name of the tattoo artist who performed the work.

(H) Parental consent must be in writing when performed on any minor as permitted by law.  
(BC Ord. 1998-3, passed 4-27-98)

**§ 135.08 ILLNESS.**

Tattoo artists who are experiencing symptoms of acute disease that include, but are not limited to, the following shall refrain from providing tattoos:

- (A) Diarrhea;
- (B) Vomiting;
- (C) Fever;
- (D) Rash;
- (E) Productive cough;
- (F) Jaundice; or

(G) Draining (or open) skin infections, boils, impetigo, or scabies.  
(BC Ord. 1998-3, passed 4-27-98)

**§ 135.09 HANDWASHING.**

(A) Handwashing facilities shall be readily accessible in the same room where tattooing is provided.

(B) Hands shall be washed with soap and running water immediately before putting on gloves and after removal of gloves or other personal protective equipment.

(C) Only single use towels shall be used.  
(BC Ord. 1998-3, passed 4-27-98)

**§ 135.10 PERSONAL PROTECTIVE EQUIPMENT.**

Appropriate personal protective equipment shall be worn as follows:

(A) A clean protective clothing layer shall be worn whenever there is a reasonably anticipated risk of contamination of clothing by blood or OPIM.

(B) Masks in combination with eye protection devices, such as goggles or glasses with solid side shield, or chin length face shield, shall be worn whenever splashes, spray, splatter, or droplets of blood or OPIM may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

(C) Disposable gloves shall be worn during the tattooing process. Gloves shall be changed and properly disposed of each time there is an interruption in the application of the tattoo, when the gloves become torn or punctured, or whenever the ability to function as a barrier is compromised. Disposable gloves shall not be reused.

(D) Gloves shall be worn when decontaminating environmental surfaces and equipment.  
(BC Ord. 1998-3, passed 4-27-98)

**§ 135.11 TATTOOING EQUIPMENT.**

(A) Only single use razors shall be used to shave the area to be tattooed.

(B) All stencils shall be properly disposed of after a single use.

(C) If the design is drawn directly onto the skin, it shall be applied with a single use article only.  
(BC Ord. 1998-3, passed 4-27-98)

**§ 135.12 NEEDLES.**

(A) Needles shall be individually packaged and sterilized prior to use.

(B) Needles shall be single use only.

(C) Needles shall be discarded in sharps containers immediately after use.

(D) Contaminated needles shall not be bent or broken or otherwise manipulated by hand.  
(BC Ord. 1998-3, passed 4-27-98)

### **§ 135.13 REUSABLE EQUIPMENT.**

(A) Heating procedures capable of sterilization must be used when heat stable, nondisposable equipment is sterilized.

(B) Records must be maintained to document the following:

(1) Duration of sterilization technique.

(2) Determination of effective sterility, such as use of a biological indicator, is performed monthly.

(3) Equipment is maintained as recommended by the owner's manual and proof is available that the owner's manual recommendations are reviewed monthly.

(C) Reusable contaminated equipment shall not be stored or processed in a manner that requires any person to reach by hand into the containers where these sharp items have been placed.

(D) Reusable contaminated equipment shall be:

(1) Placed in puncture-resistant containers;

(2) Labeled with the biohazard symbol;

(3) Leakproof on both sides and bottom;

and

(4) Stored in a manner that does not require reaching by hand into the container where the equipment is stored until cleaning prior to sterilization.

(E) Contaminated reusable equipment shall be effectively cleaned prior to sterilization.

(F) Reusable tubes shall be effectively cleaned and sterilized before reuse.

(BC Ord. 1998-3, passed 4-27-98)

### **§ 135.14 DYES OR PIGMENTS.**

(A) All dyes or pigments in tattooing shall be from professional suppliers specifically providing dyes or pigments for the tattooing of human skin.

(B) In preparing dyes or pigments to be used by tattoo artists, only nontoxic sterile materials shall be used. Single use or individual portions of dyes or pigments in clean, sterilized containers shall be used from each patron.

(C) After tattooing, the remaining unused dye or pigment in single use or individual containers shall be discarded along with the container.

(BC Ord. 1998-3, passed 4-27-98)

### **§ 135.15 WORK ENVIRONMENT.**

(A) No tattooing shall be conducted in any room used as living quarters or in any room that opens directly into living or sleeping quarters.

(B) Live animals shall be excluded from areas where tattooing is being conducted. This exclusion does not apply to the following:

(1) Patrol dogs accompanying security or police officers.

(2) Guide dogs accompanying the following:

(a) Blind persons.

(b) Partially blind persons.

(c) Physically disabled persons.

(d) Guide dog trainers.

(e) Persons with impaired hearing.

(C) Eating, drinking, smoking, or applying cosmetics shall not be allowed in work areas where there is a likelihood of exposure to blood or OPIM.

(D) Food and drink shall not be kept in areas where there is a reasonably anticipated risk of exposure to blood or OPIM.

(E) All equipment and environmental surfaces shall be cleaned and decontaminated after contact with blood or OPIM.

(F) Environmental surfaces and equipment not requiring sterilization that have been contaminated by blood shall be cleaned and decontaminated.

(G) All work surfaces shall be nonabsorbent, easily cleanable, smooth, and free of breaks, open seams, cracks, chips, pits, and similar imperfections.

(H) Disinfectant solutions shall be:

(1) A hospital grade, tuberculocidal Environmental Protection Agency (EPA) registered disinfectant; or

(2) Sodium hypochlorite, 0.5 % concentration, by volume (common household bleach is 10 % concentration in water); the solution shall be dated and shall not be used if it is more than 24 hours old.

(BC Ord. 1998-3, passed 4-27-98)

### **§ 135.16 INFECTIOUS WASTE CONTAINMENT.**

(A) Contaminated disposable needles or instruments shall be:

(1) Stored in leak-resistant, puncture-resistant containers, tightly sealed to prevent expulsion, labeled with the biohazard symbol, and effectively treated in accordance with this chapter prior to being stored in an unsecured area and sent for final disposal.

(B) Infectious wastes that are contaminated sharps or objects that could potentially become

contaminated sharps shall be placed in containers that meet the following requirements:

(1) Impervious to moisture.

(2) Sufficient strength and thickness to prevent expulsion.

(3) Secured to prevent leakage expulsion.

(4) Labeled with the biohazard symbol.

(5) Effectively treated in accordance with this chapter prior to being placed in an unsecured area and sent for final disposal.

(C) If infectious waste is stored prior to final disposal, all persons subject to this chapter shall store infectious waste in a secure area that:

(1) Is locked or otherwise secured to eliminate access by or exposure to the general public;

(2) Affords protection from adverse environmental conditions and vermin; and

(3) Has a prominently displayed biohazard symbol.

(D) Infectious waste shall be stored in a manner that preserves the integrity of the container, and is not conducive to rapid microbial growth and putrefaction.

(E) Disinfect reusable containers for infectious waste each time that they are emptied unless the surfaces of the reusable containers have been protected from contamination by disposable liners, bags, or other devices that are removed with the infectious waste.

(BC Ord. 1998-3, passed 4-27-98)

### **§ 135.17 TREATMENT AND TRANSPORT OF INFECTIOUS WASTE.**

(A) All tattoo operators shall ensure that infectious waste is either treated on-site in accordance with this chapter or transported off-site for treatment in accordance with this chapter.

(B) A treatment is effective if it reduces the pathogenic qualities of infectious waste for safe handling, is designed for the specific waste involved, and is carried out in a manner consistent with this chapter. Effective treatment may include:

- (1) Incineration in an incinerator designed to accommodate infectious waste;
- (2) Steam sterilization;
- (3) Chemical disinfection under circumstances where safe handling of the waste is assured;
- (4) Thermal inactivation;
- (5) Irradiation; or
- (6) Discharge in a sanitary sewer or septic system that is properly installed and operating in accordance with state and local laws.

(C) All persons subject to this chapter shall:

- (1) Transport infectious waste in a manner that reasonably protects waste haulers and the public from contracting a dangerous communicable disease; and
- (2) Effectively treat infectious waste in accordance with this chapter before it is compacted.

(D) The tattoo operator shall ensure that infectious waste, effectively treated or not, is transported off-site in compliance with 410 IAC 103. (BC Ord. 1998-3, passed 4-27-98)

#### **§ 135.18 PERMITS.**

(A) *Business.* Each tattoo parlor operation shall obtain a permit from the County Health Department. The permit shall provide the name and address of the owner of the business and the name and address of each and every tattoo artist located at each location. The cost for this permit shall be \$500 and shall not be transferable. The permit expires on December 31 of each year. Any holder of a permit shall be subject

to inspection as set forth herein. The County Health Department shall provide the appropriate forms for this permit. Said permit shall be posted at the tattoo parlor in the place where the tattoos are performed and clearly visible to the public.

(B) *Tattoo artist.* Every person that desires to perform any tattoo shall obtain a "Tattoo Artist Permit" from the County Health Department. This permit must be obtained before any tattoos are affixed to any person and after the requisite training. The applicant must satisfy the minimum requirements as set forth herein in § 135.06. The cost of said permit shall be \$100 and shall not be transferable. The permit expires on December 31 of each year. Any holder of a permit shall be subject to inspection as set forth herein. The County Health Department shall provide the appropriate forms for this permit. Said permits shall be posted at the tattoo parlor in the place where the tattoos are performed and clearly visible to the public.

(BC Ord. 1998-3, passed 4-27-98)

#### **§ 135.19 INSPECTIONS.**

The County Health Department shall conduct inspections of each and every tattoo parlor located in Warrick County, Indiana. The Health Department shall conduct a minimum of three inspections per year. Additional inspections may be conducted by the Health Department as they determine and/or in response to complaints submitted. The results of the inspections shall be provided to each operator. Violations noted by the Health Department shall be corrected immediately. The Department shall conduct follow up inspections to determine compliance with this chapter. (BC Ord. 1998-3, passed 4-27-98)

#### **§ 135.20 REVOCATION OF PERMIT.**

The Health Officer may suspend or revoke the permit of any tattoo artist or operator for any period of time for any violation of this chapter, state or federal regulations concerning blood borne pathogens, tattoos or work place regulations (OSHA). The operator or artist may have the permit reinstated upon

compliance with this chapter, state or federal regulations concerning blood borne pathogens, tattoos or work place regulations (OSHA) and to the satisfaction of the Health Officer. Appeals of orders of revocation shall be conducted pursuant to IC 4-21.5-3-1 *et seq.* The Board of Health shall conduct administrative hearings concerning the suspension or revocation of any permit issued herein as set forth in IC 4-21.5-3 *et seq.*

(BC Ord. 1998-3, passed 4-27-98)

#### **§ 135.99 PENALTY.**

(A) If a tattoo artist or operator shall fail to obtain a permit prior to the conduct of their business or at any time after one has been issued, but has expired, the tattoo artist and/or operator may be subject to a fine of not more than \$2,500. Each day the tattoo artist and/or operator shall be in violation of this chapter shall constitute a separate offense.

(B) The Health Officer may bring an action in the Circuit or Superior Court to enforce this chapter. The Health Officer shall be entitled to recover all costs and expenses associated with any action for enforcement of this chapter including reasonable attorney fees.

(BC Ord. 1998-3, passed 4-27-98)

